

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID VEGA :
:
Plaintiff, :
v. : 3:13-CV-1934
: (JUDGE MARIANI)
POCONO REGIONAL POLICE :
DEPARTMENT, et al. :
:
Defendants. :

ORDER

AND NOW, THIS 12th DAY OF JUNE 2014, upon *de novo* review of Magistrate Judge Schwab's Report and Recommendation (Doc. 10), Plaintiff's Complaint (Doc. 1), and Plaintiff's Objections (Doc. 11), **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Objections (Doc. 11) are **OVERRULED**.
2. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
3. The Report and Recommendation (Doc. 10) is **ADOPTED IN PART AND REJECTED IN PART**; to wit:
 - a. The Pocono Regional Police Department, Monroe County Correctional Facility, and Monroe County Department of Probation and Parole are not considered to be "persons" under 42 U.S.C. § 1983, and even if the Court were to interpret Plaintiff's claims to include a municipality or government entity, Plaintiff has failed to allege any policy, regulation, or custom by such municipality or

entity that resulted in a violation of Plaintiff's constitutional rights.

Plaintiff's Complaint is therefore dismissed pursuant to the reasons discussed in the Report and Recommendation.

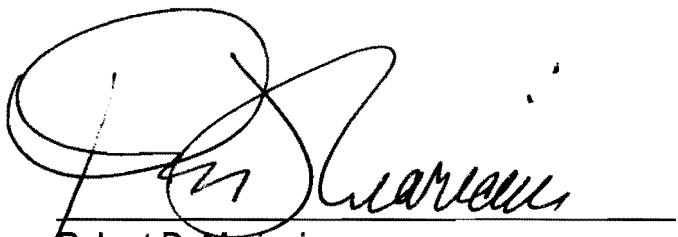
- b. However, Plaintiff will be permitted to amend his Complaint.

Should he choose to do so, the Complaint must:

- i. (1) Identify a municipality or governmental entity (for example, a city, county, or borough); (2) identify a specific policy, regulation, or custom of the named entity; and (3) identify the specific harm that he sustained as a result of the entity's policy, regulation, or custom; and/or
- ii. (1) Identify one or more individuals who, acting in their individual or personal capacity, he believes violated his constitutional rights; and (2) the constitutional right Plaintiff believes was violated; (3) state the actions, omissions, or other conduct which Plaintiff alleges the individuals he identifies engaged in that caused the alleged violation of his rights.

4. Plaintiff shall file an amended complaint **within 21 days of the date of this Order.**

5. Plaintiff is placed on notice that it will not be sufficient to re-allege the same claims from his previous case, *Vega v. Dunlap*, 3:12-CV-1767 (M.D. Pa), which were the subject of Magistrate Judge Blewitt's Report and Recommendation, adopted by Judge Conaboy.
6. The case is **REMANDED** to Magistrate Judge Schwab for further proceedings consistent with this Order.



Robert D. Mariani
United States District Judge